

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MARCUS CORELLE LEE,

Defendant-Appellant.

UNPUBLISHED

April 15, 2003

No. 237892

Kent Circuit Court

LC No. 01-001364-FH

Before: Jansen, P.J. and Kelly and Fort Hood, JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of delivering less than 50 grams of cocaine, MCL 333.7401(1) and (2)(a)(iv), and sentenced to an enhanced term of 1½ to 30 years' imprisonment, reflecting his status as an habitual offender, MCL 769.10. This sentence is to be served consecutively to a sentence defendant was then serving given his status as a parolee. Defendant appeals as of right and requests resentencing. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant argues that his maximum sentence constitutes an abuse of the sentencing court's discretion in light of his prior record, which consists almost entirely of misdemeanor convictions, and the minor nature of his offense. Because defendant was convicted under MCL 333.7401(1) and (2)(a)(iv), the sentencing court had the discretion to impose a maximum sentence of "not more than 20 years" Moreover, because of defendant's status as a second offense habitual offender, the court had the discretion to enhance defendant's maximum sentence to no "more than 1½ times the longest prescribed for the first conviction of that offense or for a lesser term." MCL 769.10(1)(a). Defendant's maximum sentence of thirty years' falls within these statutory limits and, therefore, the sentencing court did not abuse its discretion in sentencing defendant. *People v Reynolds*, 240 Mich App 250, 252-253; 611 NW2d 316 (2000).

Affirmed.

/s/ Kathleen Jansen
/s/ Kirsten Frank Kelly
/s/ Karen M. Fort Hood